
SENATE BILL No. 235

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-7-2-34; IC 14-8-2; IC 14-9-4-1; IC 14-10; IC 14-12-2-14; IC 14-19.5; IC 14-20; IC 14-21-1; IC 35-43-1-5.

Synopsis: State museums commission. Establishes the state museums commission (SMC) to govern the state museum and historic sites. Establishes the historic sites advisory council to make recommendations to the SMC. Establishes the state museums fund. Includes transitional provisions to transfer the museums' function from the department of natural resources (DNR) to the SMC. Repeals laws governing the state museum and historic sites as entities administered by the DNR. (The introduced version of this bill was approved by the natural resources study committee.)

Effective: Upon passage.

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January 7, 2002, read first time and referred to Committee on Rules and Legislative Procedure.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 235

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-7-2-34 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. (a) The
3 commission shall employ an individual who is responsible for the care
4 and preservation of all personal property owned by the commission that
5 has historic significance.

6 (b) The individual employed by the commission under subsection
7 (a) must meet the qualifications set by the ~~division of state museums~~
8 ~~and historic sites of the department of natural resources; commission~~
9 **established by IC 14-19.5-2-1.**

10 SECTION 2. IC 14-8-2-40.5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: **Sec. 40.5. "Chief executive officer", for**
13 **purposes of IC 14-19.5, has the meaning set forth in IC 14-19.5-1-2.**

14 SECTION 3. IC 14-8-2-48, AS AMENDED BY P.L.35-2001,
15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 48. (a) "Commission", except as provided in
17 subsections (b) through ~~(p)~~; **(r)**, refers to the natural resources



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1 commission.

2 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
3 forth in IC 14-13-1-1.

4 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
5 forth in IC 14-13-2-2.

6 (d) "Commission", for purposes of IC 14-13-3, has the meaning set
7 forth in IC 14-13-3-1.

8 (e) "Commission", for purposes of IC 14-13-4, has the meaning set
9 forth in IC 14-13-4-1.

10 (f) "Commission", for purposes of IC 14-13-5, has the meaning set
11 forth in IC 14-13-5-1.

12 (g) "Commission", for purposes of IC 14-13-6, has the meaning set
13 forth in IC 14-13-6-2.

14 (h) "Commission", for purposes of IC 14-14-1, has the meaning set
15 forth in IC 14-14-1-3.

16 (i) **"Commission", for purposes of IC 14-19.5, has the meaning
17 set forth in IC 14-19.5-1-3.**

18 (j) "Commission", for purposes of IC 14-20-4, has the meaning set
19 forth in IC 14-20-4-1.

20 ~~(j)~~ (k) "Commission", for purposes of IC 14-20-11, has the meaning
21 set forth in IC 14-20-11-1.

22 ~~(k)~~ (l) "Commission", for purposes of IC 14-25-11, has the meaning
23 set forth in IC 14-25-11-1.

24 ~~(l)~~ (m) "Commission", for purposes of IC 14-28-4, has the meaning
25 set forth in IC 14-28-4-1.

26 ~~(m)~~ (n) "Commission", for purposes of IC 14-30-1, has the meaning
27 set forth in IC 14-30-1-2.

28 ~~(n)~~ (o) "Commission", for purposes of IC 14-30-2, has the meaning
29 set forth in IC 14-30-2-2.

30 ~~(o)~~ (p) "Commission", for purposes of IC 14-30-3, has the meaning
31 set forth in IC 14-30-3-2.

32 ~~(p)~~ (q) "Commission", for purposes of IC 14-30-4, has the meaning
33 set forth in IC 14-30-4-2.

34 ~~(q)~~ (r) "Commission", for purposes of IC 14-33-20, has the meaning
35 set forth in IC 14-33-20-2.

36 SECTION 4. IC 14-8-2-61 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 61. "Council" has
38 the following meaning:

39 (1) For purposes of IC 14-13-1-22, the meaning set forth in
40 IC 14-13-1-22.

41 (2) For purposes of IC 14-13-1-23, the meaning set forth in
42 IC 14-13-1-23.

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(3) For purposes of IC 14-13-1-24, the meaning set forth in IC 14-13-1-24.

(4) For purposes of IC 14-13-1-25, the meaning set forth in IC 14-13-1-25.

(5) For purposes of IC 14-19.5, the meaning set forth in IC 14-19.5-1-4.

(6) For purposes of IC 14-21-1, the meaning set forth in IC 14-21-1-5.

SECTION 5. IC 14-8-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 77. "Division" has the following meaning:

(1) For purposes of IC 14-9-8, the meaning set forth in IC 14-9-8-2.

~~(2) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-2.~~

~~(3)~~ (2) For purposes of IC 14-21-1, the meaning set forth in IC 14-21-1-6.

~~(4)~~ (3) For purposes of IC 14-22, the division of fish and wildlife.

~~(5)~~ (4) For purposes of IC 14-24, the division of entomology and plant pathology.

~~(6)~~ (5) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-4.

~~(7)~~ (6) For purposes of IC 14-37, the division of oil and gas.

SECTION 6. IC 14-8-2-103 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103. (a) "Foundation", **except as provided in subsection (b)**, refers to the Indiana natural resources foundation.

(b) "Foundation", for purposes of IC 14-19.5, has the meaning set forth in IC 14-19.5-1-5.

SECTION 7. IC 14-8-2-107, AS AMENDED BY P.L.160-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 107. "Fund" has the following meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.

(3) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.

(4) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.

(5) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.



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- 1 (6) For purposes of IC 14-12-3, the meaning set forth in
- 2 IC 14-12-3-2.
- 3 (7) For purposes of IC 14-13-1, the meaning set forth in
- 4 IC 14-13-1-2.
- 5 (8) For purposes of IC 14-13-2, the meaning set forth in
- 6 IC 14-13-2-3.
- 7 (9) For purposes of IC 14-19-4, the meaning set forth in
- 8 IC 14-19-4-1.
- 9 (10) For purposes of IC 14-19-5, the meaning set forth in
- 10 IC 14-19-5-1.
- 11 (11) For purposes of ~~IC 14-20-1~~, **IC 14-19.5**, the meaning set
- 12 forth in ~~IC 14-20-1-3~~. **IC 14-19.5-1-6.**
- 13 (12) For purposes of IC 14-20-11, the meaning set forth in
- 14 IC 14-20-11-2.
- 15 (13) For purposes of IC 14-22-3, the meaning set forth in
- 16 IC 14-22-3-1.
- 17 (14) For purposes of IC 14-22-4, the meaning set forth in
- 18 IC 14-22-4-1.
- 19 (15) For purposes of IC 14-22-5, the meaning set forth in
- 20 IC 14-22-5-1.
- 21 (16) For purposes of IC 14-22-8, the meaning set forth in
- 22 IC 14-22-8-1.
- 23 (17) For purposes of IC 14-22-34, the meaning set forth in
- 24 IC 14-22-34-2.
- 25 (18) For purposes of IC 14-23-3, the meaning set forth in
- 26 IC 14-23-3-1.
- 27 (19) For purposes of IC 14-23-8, the meaning set forth in
- 28 IC 14-23-8-1.
- 29 (20) For purposes of IC 14-25-2-4, the meaning set forth in
- 30 IC 14-25-2-4.
- 31 (21) For purposes of IC 14-25-10, the meaning set forth in
- 32 IC 14-25-10-1.
- 33 (22) For purposes of IC 14-25-11-19, the meaning set forth in
- 34 IC 14-25-11-19.
- 35 (23) For purposes of IC 14-28-5, the meaning set forth in
- 36 IC 14-28-5-2.
- 37 (24) For purposes of IC 14-31-2, the meaning set forth in
- 38 IC 14-31-2-5.
- 39 (25) For purposes of IC 14-25-12, the meaning set forth in
- 40 IC 14-25-12-1.
- 41 (26) For purposes of IC 14-33-14, the meaning set forth in
- 42 IC 14-33-14-3.

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(27) For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

(28) For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

(29) For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

(30) For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 8. IC 14-8-2-124 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 124. "Historic property", for purposes of ~~IC 14-20-1~~ and IC 14-21-1, means:

(1) a historic site;

(2) a historic structure; or

(3) other personal or real property located on or in a historic site or historic structure.

SECTION 9. IC 14-8-2-125 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 125. (a) "Historic site", for purposes of ~~IC 14-20-1~~ and IC 14-21-1, means a site that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the site.

(b) "Historic site", for purposes of IC 14-19.5, has the meaning set forth in IC 14-19.5-1-7.

SECTION 10. IC 14-8-2-126 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 126. "Historic structure", for purposes of ~~IC 14-20-1~~ and IC 14-21-1, means a structure that is important to the general, archeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. The term includes adjacent property that is necessary for the preservation or restoration of the structure.

SECTION 11. IC 14-8-2-170.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 170.5. "Museum", for purposes of IC 14-19.5, has the meaning set forth in IC 14-19.5-1-8.**

SECTION 12. IC 14-8-2-202 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 202. (a) "Person" means, except as provided in subsections (b) through (j), an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, or a corporation.

(b) "Person", for purposes of IC 14-12-2, has the meaning set forth in IC 14-12-2-3.

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(c) "Person", for purposes of IC 14-16, IC 14-24, IC 14-26-2, IC 14-28-1, IC 14-28-3, IC 14-29-6, and IC 14-38-2, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, other legal entity, the state, or an agency, a political subdivision, or another instrumentality of the state.

(d) "Person", for purposes of IC 14-12-1, IC 14-12-2, ~~IC 14-20-1, IC 14-19.5~~, IC 14-21, IC 14-25 through IC 14-29, except as otherwise provided in this section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, or a governmental entity.

(e) "Person", for purposes of IC 14-22-31.5, has the meaning set forth in IC 14-22-31.5-2.

(f) "Person", for purposes of IC 14-25-3, has the meaning set forth in IC 14-25-3-1.

(g) "Person", for the purposes of IC 14-25-7, has the meaning set forth in IC 14-25-7-5.

(h) "Person", for purposes of IC 14-34, means an individual, a partnership, a limited liability company, an association, a society, a joint stock company, a firm, a company, a corporation, or other business organization.

(i) "Person", for purposes of IC 14-38-1, has the meaning set forth in IC 14-38-1-2.

(j) "Person", for purposes of IC 14-24-12, has the meaning set forth in IC 14-24-12-4.

SECTION 13. IC 14-8-2-208, AS AMENDED BY P.L.160-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 208. "Political subdivision" has the following meaning:

(1) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-2.

~~(2) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-4.~~

~~(3)~~ (2) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-2.

SECTION 14. IC 14-8-2-226.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 226.9. "State museums", for purposes of IC 14-19.5, has the meaning set forth in IC 14-19.5-1-9.

SECTION 15. IC 14-8-2-258 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 258. "Site", for



purposes of ~~IC 14-20-1~~ and IC 14-21, includes the following:

(1) An aboriginal mound, a fort, an earthwork, a village location, a burial ground, a ruin, a mine, a cave, a battleground, a shipwreck, or other similar location on land or under water.

(2) A location that contains or did contain a structure.

SECTION 16. IC 14-8-2-268 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 268. "Structure", for purposes of ~~IC 14-20-1~~ and IC 14-21, means a manmade construction.

SECTION 17. IC 14-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The following divisions are established within the department:

- (1) Accounting.
- (2) Administrative support services.
- (3) Budget.
- (4) Engineering.
- (5) Entomology and plant pathology.
- (6) Fish and wildlife.
- (7) Forestry.
- (8) Historic preservation and archeology.
- (9) Human resources.
- (10) Internal audit.
- (11) Land acquisition.
- (12) Law enforcement.
- (13) Management information systems.
- (14) Nature preserves.
- (15) Oil and gas.
- (16) Outdoor recreation.
- (17) Public information and education.
- (18) Reclamation.
- (19) Reservoir management.
- (20) Safety and training.
- (21) Soil conservation.
- ~~(22) State museums and historic sites.~~
- ~~(23)~~ **(22)** State parks.
- ~~(24)~~ **(23)** Water.

SECTION 18. IC 14-10-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.

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- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-17-3.
- (7) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (8) IC 14-19-1, IC 14-19-4, and IC 14-19-5.
- ~~(9) IC 14-20-1.~~
- ~~(10)~~ (9) IC 14-21.
- ~~(11)~~ (10) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- ~~(12)~~ (11) IC 14-23-1.
- ~~(13)~~ (12) IC 14-25, except IC 14-25-8-3, IC 14-25-11, and IC 14-25-13.
- ~~(14)~~ (13) IC 14-26.
- ~~(15)~~ (14) IC 14-27.
- ~~(16)~~ (15) IC 14-28.
- ~~(17)~~ (16) IC 14-29.
- ~~(18)~~ (17) IC 14-35-1, IC 14-35-2, and IC 14-35-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the secretary of state.

SECTION 19. IC 14-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the property managers of each of the following divisions of the department:

- (1) State parks.
- (2) Forestry.
- (3) Fish and wildlife.
- (4) Reservoir management.
- ~~(5) State museums and historic sites.~~

SECTION 20. IC 14-12-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The Indiana heritage trust project committee is established.

(b) The project committee consists of the following sixteen (16) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The ~~director~~ **chief executive officer** of the ~~division of state museums and historic sites.~~ **commission established by IC 14-19.5-2-1.**
- (7) Ten (10) individuals appointed by the governor:

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- (A) who are residents of Indiana;
- (B) who have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property;
- (C) each of whom resides in a different congressional district; and
- (D) who represent the following:
 - (i) The environmentalist community.
 - (ii) The academic community.
 - (iii) Organized hunting and fishing groups.
 - (iv) The forest products community.
 - (v) The parks and recreation community.

SECTION 21. IC 14-19.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 19.5. State Museums Commission

Chapter 1. Definitions

Sec. 1. The definitions of this chapter apply throughout this article.

Sec. 2. "Chief executive officer" refers to the chief executive officer of the state museums.

Sec. 3. "Commission" refers to the state museums commission established by IC 14-19.5-2-1.

Sec. 4. "Council" refers to the historic sites advisory council established by IC 14-19.5-5-1.

Sec. 5. "Foundation" refers to the state museum foundation or its successors.

Sec. 6. "Fund" refers to the state museums fund established by IC 14-19.5-9-1.

Sec. 7. "Historic site" refers to a state historic site established and maintained by the commission under the criteria established by the commission.

Sec. 8. "Museum" refers to the state museum.

Sec. 9. "State museums" refers to the following:

- (1) The state museum located in the White River state park.
- (2) The historic sites.

Chapter 2. State Museums Commission

Sec. 1. The state museums commission is established.

Sec. 2. (a) The commission is:

- (1) a public body corporate and politic; and
- (2) an instrumentality of the state.

(b) The commission is separate from the state. However, the

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exercise by the commission of its powers is an essential governmental function.

Sec. 3. The commission may:

- (1) sue and be sued; and
- (2) plead and be impleaded.

Chapter 3. Members and Organization

Sec. 1. The commission consists of the following members:

(1) Nine (9) persons appointed by the governor as follows:

(A) One (1) person nominated by the foundation.

(B) One (1) person nominated by representatives of the historic sites.

(C) Seven (7) persons who may be nominees of the commission's nominating committee established by section 2 of this chapter, not more than five (5) of whom may be members of the same political party. The governor may, but is not required to, appoint members selected from these seven (7) nominees. The governor shall make appointments in a manner to achieve broad diversity, including geographic balance, among commission members.

(2) The chief executive officer, who is a nonvoting member.

(3) Four (4) legislative members, who are nonvoting members and who serve at the pleasure of the appointing authority. The legislative members are:

(A) two (2) members of the house of representatives appointed by the speaker of the house of representatives from different political parties; and

(B) two (2) members of the senate appointed by the president pro tempore of the senate from different political parties.

Sec. 2. The commission shall form a nominating committee to make nominations to the governor for appointments under section 1(1) of this chapter. The nominating committee shall do the following:

(1) In a manner prescribed by policies of the commission, receive suggestions for nominees from:

(A) the foundation;

(B) the representatives of the historic sites; and

(C) other interested parties.

(2) Develop policies for ensuring that nominees are Indiana residents who have shown the interest and experience necessary to serve effectively on the commission.



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(3) Select nominees in a manner that fosters the achievement of broad diversity, including geographic balance, among commission members.

(4) Forward to the governor not more than three (3) nominees for each appointment to each vacant position.

Sec. 3. The members appointed by the governor:

(1) serve for terms of three (3) years; and

(2) may be reappointed or replaced by the governor, but may not serve more than two (2) consecutive terms.

Sec. 4. The governor shall appoint the chair of the commission, who shall serve for a one (1) year term or until the governor appoints a successor.

Sec. 5. Five (5) voting members of the commission constitute a quorum. The affirmative votes of at least five (5) members are required to take any action other than to adjourn a meeting of the commission.

Sec. 6. Commission members are not liable in an individual capacity for any act done or omitted in connection with the performance of duties under this article.

Sec. 7. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and for other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Chapter 4. General Powers, Duties, and Exemptions



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1 **Sec. 1. The title to the following shall be held in the name of the**
 2 **state of Indiana:**

3 **(1) Property constituting the state museums, except to the**
 4 **extent that the property is subject to a use and occupancy**
 5 **agreement between the state office building commission and**
 6 **the Indiana department of administration.**

7 **(2) Property acquired by the commission.**

8 **Sec. 2. The commission shall do the following:**

9 **(1) Operate and administer the state museums.**

10 **(2) Maintain accreditation of the state museums.**

11 **(3) Collect, preserve, display, and interpret artifacts and**
 12 **materials reflecting the cultural and natural history of**
 13 **Indiana.**

14 **(4) Prepare and maintain a statewide inventory of the**
 15 **artifacts and materials described in subdivision (3).**

16 **(5) Uphold the highest professional and ethical standards, as**
 17 **adopted by the American Association of Museums.**

18 **(6) Cause an independent financial audit of the commission to**
 19 **be performed annually.**

20 **Sec. 3. The commission may do the following:**

21 **(1) Do any and all acts and things necessary, proper, or**
 22 **convenient to carry out this article.**

23 **(2) Hold meetings under IC 5-14-1.5 at the times and places in**
 24 **Indiana that are prescribed by the commission's bylaws.**

25 **(3) Adopt an official seal.**

26 **(4) Adopt bylaws.**

27 **(5) Make and execute contracts and other instruments**
 28 **necessary or convenient to the exercise of the commission's**
 29 **powers.**

30 **(6) Acquire by grant, purchase, gift, devise, or lease or**
 31 **otherwise and hold, use, sell, lease, manage, operate, clear,**
 32 **improve, encumber, transfer, convey, exchange, or dispose of**
 33 **the following:**

34 **(A) Real and personal property and any interest in real or**
 35 **personal property.**

36 **(B) Facilities.**

37 **(C) Money or stocks.**

38 **(D) Any right or interest necessary or useful for carrying**
 39 **out the commission's powers and duties under this article.**

40 **(7) Procure insurance against any loss in connection with the**
 41 **commission's operations.**

42 **(8) Enter into contractual or other arrangements with the**

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Indiana department of administration in connection with the financing of the state museums under IC 4-13.5.

(9) Notwithstanding IC 4-13.5-4-5, allocate space in museums financed by the state office building commission under IC 4-13.5.

(10) Fix and collect rents, admission charges, fees, tolls, and other user charges for:

(A) the state museums;

(B) restaurants;

(C) other facilities; and

(D) programs, lectures, classes, tours, and trips.

(11) Maintain shops and restaurants on property that the commission manages and at other locations and employ or contract with persons to manage the shops and restaurants.

(12) Make or sell the following:

(A) Pictures, models, books, and other representations of the museum and its artifacts and exhibits.

(B) Souvenirs, crafts, art, videotapes, digital video discs, and other merchandise.

(13) Pay royalties, license fees, or charges for exhibits, artifacts, artwork, or materials.

(14) Own copyrights, trademarks, and service marks and enforce the commission's rights with respect to ownership.

(15) Adopt rules under IC 4-22-2 to carry out the purposes of this article.

Sec. 4. (a) The commission may accept or refuse to accept an offered gift of historic property to be administered by the commission.

(b) The commission may sell, lease, or exchange historic property administered by the commission under IC 4-20.5-7 or IC 5-22-22.

(c) Notwithstanding IC 5-22-22, the commission may, in accordance with the commission's policies, sell, donate, or exchange artifacts in the state museums' collections to or with other public or nonprofit museums or historical societies located in Indiana.

(d) The commission may by rule establish a procedure for evaluating the merits of proposals to:

(1) accept gifts of;

(2) sell; or

(3) exchange;

artifacts or historic property.

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1 **Sec. 5.** The commission is not required to pay any taxes or
 2 assessments upon any property acquired or used by the
 3 commission under this article, or upon the income from the
 4 property.

5 **Sec. 6.** The commission is exempt under IC 6-2.5-5-16 from the
 6 state gross retail tax for transactions involving tangible personal
 7 property, public utility commodities, and public utility service.

8 **Sec. 7.** The commission is exempt from the following:

9 (1) The requirements of IC 4-13-2-20 prohibiting payment in
 10 advance.

11 (2) The procurement requirements under IC 5-22, except that
 12 the disposition of surplus personal property shall be handled
 13 under IC 5-22-22.

14 **Sec. 8.** IC 4-20.5-7 applies to the disposal by the commission of
 15 surplus real property.

16 **Chapter 5. Historic Sites Advisory Council**

17 **Sec. 1.** The historic sites advisory council is established to make
 18 recommendations to the commission regarding the maintenance,
 19 operation, and enhancement of the historic sites and their
 20 programs.

21 **Sec. 2.** The council consists of the following members:

22 (1) The president of each historic site's friends group or
 23 foundation.

24 (2) The chief executive officer, who shall act as chair.

25 (3) Two (2) members of the commission, designated by the
 26 chair of the commission.

27 **Sec. 3.** The council shall do the following:

28 (1) Recommend to the commission policies, procedures, and
 29 practices regarding the maintenance and operation of the
 30 historic sites.

31 (2) Review and assist in the development of statewide
 32 outreach programs for the historic sites and make
 33 recommendations with respect to these programs to the
 34 commission.

35 (3) Review and evaluate the programs and operations of the
 36 historic sites and make recommendations with respect to
 37 those matters to the commission.

38 (4) Review the budget needs and requests of the historic sites
 39 and make recommendations to the commission with respect
 40 to those needs and requests.

41 (5) Promote the welfare of the historic sites.

42 **Sec. 4.** The council shall meet at least quarterly as follows:

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(1) One (1) quarterly meeting shall be held in the northern region of Indiana.

(2) One (1) quarterly meeting shall be held in the central region of Indiana.

(3) Two (2) quarterly meetings shall be held in the southern region of Indiana.

Sec. 5. The chief executive officer shall provide to the commission:

(1) a report of each council meeting; and

(2) the recommendations of the council.

Sec. 6. (a) Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Chapter 6. Outreach

Sec. 1. The commission may develop a program of :

(1) interpretation;

(2) outreach; or

(3) publication;

regarding any of the state's historical, architectural, or archeological resources.

Sec. 2. The commission may provide information on historic:

(1) property;

(2) materials;



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1 (3) items;
 2 (4) sites; or
 3 (5) memorials;
 4 to federal, state, and local governmental agencies, private
 5 individuals, and organizations.

6 Sec. 3. The commission may advise and assist the following
 7 within Indiana:

- 8 (1) Local museums.
 9 (2) Historical associations.
 10 (3) Historic district commissions.
 11 (4) Historic commissions.
 12 (5) Other interested groups or persons.

13 Sec. 4. The commission may donate or make short term loans of
 14 artifacts in the museums' collections to other:

- 15 (1) public or nonprofit museums; or
 16 (2) historical societies.

17 Chapter 7. Personnel Matters

18 Sec. 1. The commission may do the following:

- 19 (1) Establish policies for the governance and management of
 20 the staffs of the state museums.
 21 (2) Establish the rights and duties of commission employees,
 22 including a pay scale and benefit package.
 23 (3) Employ or contract with consultants, attorneys, or other
 24 persons as are required in the judgment of the commission
 25 and pay compensation from funds available to the
 26 commission.

27 Sec. 2. The commission may develop a separate personnel
 28 system for employees of the commission. However, if the
 29 commission does not adopt a personnel system under this section,
 30 commission employees are subject to the state personnel system
 31 under IC 4-15-1.8.

32 Sec. 3. The commission may:

- 33 (1) develop a retirement program for employees of the
 34 commission; or
 35 (2) require employees of the commission to be members of the
 36 public employees' retirement fund under IC 5-10.3-7.

37 Sec. 4. The commission may hire, fix the compensation of,
 38 review the performance of, and dismiss a chief executive officer
 39 who:

- 40 (1) is the director of state museums;
 41 (2) is the chief administrative officer of the commission; and
 42 (3) supervises and directs the work of the state museums'



1 staffs and contractors.

2 **Sec. 5. (a)** The chief executive officer and controller or fiscal
3 agent of the state museums shall, before entering upon the
4 discharge of their duties, provide surety bonds each in the sum of
5 one hundred thousand dollars (\$100,000), conditioned for the
6 faithful performance of the duties that are imposed upon them by
7 law.

8 **(b)** Persons required to give a bond under this article are
9 entitled to furnish as surety any surety company authorized to
10 transact business in Indiana that meets the approval of the
11 commission.

12 **(c)** The commission shall pay the premium on any bond
13 required under this chapter.

14 **Sec. 6.** All employees of the commission employed within a
15 classification covered by a labor agreement to which the state is a
16 party shall continue to be subject to the terms and conditions of:

17 (1) the agreement; and

18 (2) any subsequent labor agreements entered into by the state.

19 The commission may not change the classification of an employee
20 who is employed within a classification that is covered by a labor
21 agreement to which the state is a party.

22 **Sec. 7.** Subject to the approval of the governor, the commission
23 may adopt a code of ethics for its employees.

24 **Sec. 8.** The commission may assist in the professional
25 development of the museums' staffs.

26 **Chapter 8. Budget, Finance, and Planning**

27 **Sec. 1.** The commission may annually review and approve a
28 budget prepared by the chief executive officer for the state
29 museums and the commission.

30 **Sec. 2.** The commission may do the following:

31 (1) Submit a budget to the budget agency.

32 (2) Request and receive appropriations from the general
33 assembly.

34 **Sec. 3.** The commission may qualify the museum for federal and
35 other aid to preserve historic property, materials, items, and
36 memorials.

37 **Sec. 4.** The commission may do the following:

38 (1) Develop a plan to meet the:

39 (A) physical;

40 (B) program;

41 (C) financial; and

42 (D) staffing;

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needs of the state museums for both the immediate and long range future.

(2) Monitor the plan developed under this section at regular intervals.

(3) Ensure that the state museums follow the plan developed under this section.

Chapter 9. State Museums Fund

Sec. 1. The state museums fund is established. The commission shall administer the fund.

Sec. 2. The commission may invest the money in the fund not currently needed to meet the obligations of the fund in a manner consistent with policies adopted by the commission.

Sec. 3. The expenses of administering the fund shall be paid from the fund.

Sec. 4. The commission may spend the money in the fund for any state museums' purpose that complies with this chapter.

Sec. 5. Except as provided in section 7 of this chapter, the following shall be deposited in the fund:

(1) Proceeds from admission and user fees.

(2) Sales at museum shops.

(3) Facility rentals.

(4) Restaurant sales.

(5) Any other income generated by the museums.

(6) Gifts of money or the proceeds from the sale of gifts donated to the state museums.

Sec. 6. (a) All money accruing to the fund is appropriated continuously for the purposes of this article.

(b) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 7. All money generated at a historic site:

(1) may be deposited in the state museums fund; and

(2) must be used only for purposes of the historic site generating the money.

Sec. 8. The chief executive officer shall report annually to the commission on the activities, revenues, expenditures, and profits of the museums' shops, facility rentals, and restaurants.

SECTION 22. IC 14-20-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The transfer under section 1 of this chapter is conditioned on the following:

(1) That when the recipient is in full possession, the recipient shall forevermore maintain, develop, and use the Tippecanoe Battle Ground Memorial, by whatever name, as a general park



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and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(2) That the recipient of the property does not have the right to sell, lease, or in any way transfer the control of the property, in whole or in part, to a person, a firm, a party, or an agency of government, except for use as a general park and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(3) That a subsequent owner, lessee, or controller of the property does not have the right to use or cause the property to be used for a purpose other than a general park and recreation area dedicated to the preservation of the Tippecanoe Battle Ground.

(4) That should the property, in whole or in part, ever be used for other than the stated purpose, the **director chief executive officer of the state museums** may, with approval of the governor, cause the property, in whole, to revert to the status of ownership before February 16, 1972.

SECTION 23. IC 14-20-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The commission is composed of nine (9) members as follows:

(1) The lieutenant governor or the lieutenant governor's designee.

(2) The **director chief executive officer of the state museums** or the **director's** designee **of the chief executive officer of the state museums.**

(3) One (1) individual who must be an elected officer of the New Harmony town legislative body.

(4) One (1) individual who must be a representative of the University of Southern Indiana.

(5) One (1) individual who must be a representative of the Robert Lee Blaffer Trust nominated by the trustees of the Robert Lee Blaffer Trust.

(6) Four (4) other individuals, at least two (2) of whom must be residents of Posey County.

(b) The governor shall appoint the members of the commission under subsection (a)(3) through (a)(6).

SECTION 24. IC 14-20-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The commission shall do the following:

(1) Recommend legislation to do the following:

(A) Protect the area from the environmental degradation.

(B) Assure development of the historic, scenic, aesthetically pleasing, cultural, educational, and recreational nature of the community.

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(2) Conduct a survey of New Harmony memorabilia that is in existence and establish a plan for restoring the memorabilia to the community.

(3) Conduct other activities that are necessary for promotion and enhancement of the area of New Harmony.

(4) Cooperate with the ~~department~~ **state museums commission** and Indiana department of transportation on recommending access and egress from New Harmony.

SECTION 25. IC 14-20-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The real property shall be administered, maintained, managed, and controlled by the ~~department in the same manner as the state parks~~ **state museums commission** and shall be known as The James F.D. Lanier Home.

SECTION 26. IC 14-20-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The ~~department~~ **state museums commission** shall maintain the buildings and grounds as a historical monument with emphasis on the early history of the Indiana Veterans' Home when the home was founded by the Grand Army of the Republic as a home for Civil War veterans.

SECTION 27. IC 14-20-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~department~~ **state museums commission** may receive donations for the upkeep of the monument provided for in this chapter.

SECTION 28. IC 14-20-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The real property shall be administered by the ~~department~~ **state museums commission** as a historic property and shall be known as the William S. Culbertson Mansion.

SECTION 29. IC 14-20-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The ~~department~~ **state museums commission** may receive the following:

(1) Donations for the maintenance of the mansion.

(2) Other money that is necessary to carry out this chapter.

SECTION 30. IC 14-20-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply if:

(1) the Wilbur Wright memorial is transferred to the Wilbur Wright Birthplace Preservation Society after June 30, 1995; or

(2) the ~~commission~~ **state museums commission** declares the memorial to be surplus to the needs of the **state museums commission**. ~~and the department.~~

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1 SECTION 31. IC 14-20-9-4 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The ~~department~~
 3 **state museums commission** shall administer the real property, which
 4 shall be known as the Wilbur Wright Birthplace.

5 SECTION 32. IC 14-20-9-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The ~~department~~
 7 **state museums commission** may do the following:

8 (1) Receive any appropriations made by the federal government
 9 to assist in memorializing the achievements of Wilbur Wright.

10 (2) Expend the money received from the federal government in
 11 conformity with this chapter or the federal law making the
 12 appropriation.

13 SECTION 33. IC 14-20-10-2 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The real
 15 property shall be administered by the ~~department~~ **state museums**
 16 **commission** as a historic property and shall be known as the Ernie Pyle
 17 Birthplace.

18 SECTION 34. IC 14-20-12-3 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. Thousands of
 20 Hoosiers all over the nation have contributed toward the moving and
 21 restoration of this historic house and because the house has already
 22 proven to be an outstanding tourist attraction and in keeping with our
 23 great American heritage, it is the intent of this chapter that the
 24 department of commerce, the ~~department~~, **state museums commission**,
 25 and other appropriate state boards and agencies give widespread
 26 publicity to this memorial by brochure, pamphlet, or other means.

27 SECTION 35. IC 14-20-13-2 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The ~~department~~
 29 **state museums commission** may receive the money that is necessary
 30 to carry out this chapter.

31 SECTION 36. IC 14-21-1-13 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The division
 33 may do the following:

34 (1) Recommend the purchase, lease, or gift of historic property of
 35 archeological importance and make recommendations to the
 36 ~~director, council, and~~ **state museums commission** regarding
 37 policies affecting the operation and administration of these sites
 38 and structures by the ~~section of historic sites of the division of~~
 39 state museums ~~and historic sites:~~ **commission.**

40 (2) Prepare and review planning and research studies relating to
 41 archeology.

42 (3) Conduct a program of education in archeology, either within

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the division or in conjunction with an institution of higher education.

(4) Inspect and supervise an archeological field investigation authorized by this chapter.

SECTION 37. IC 14-21-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to real property that is owned by a state educational institution (as defined in IC 20-12-0.5-1).

(b) The Indiana department of administration shall notify the division of a proposed transfer of real property owned by the state at the earliest planning stage and no later than ninety (90) days before the date of the proposed transfer.

(c) The division shall inspect the property and notify the Indiana department of administration of the location of each historic site or historic structure on the property.

(d) Real property owned by the state may not be sold or transferred until the division has stated in writing that the property does not, to the best of the division's knowledge, contain a historic site or historic structure.

(e) If the Indiana department of administration receives notice of a historic site or historic structure on the property, the Indiana department of administration shall reserve control of the appropriate historic property by means of a covenant or an easement contained in the transferring instrument.

(f) The ~~division of state museums and historic sites~~ **commission** shall administer property reserved under subsection (e).

SECTION 38. IC 35-43-1-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A person who knowingly or intentionally alters, without a permit, historic property located on property owned or leased by the state commits a Class B misdemeanor.**

SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 14-8-2-266; IC 14-8-2-283; IC 14-20-1.

SECTION 40. [EFFECTIVE UPON PASSAGE] (a) **The definitions in IC 14-8-2 and IC 14-19.5-1, as added by this act, apply throughout this SECTION.**

(b) **All real property, personal property, and artifacts of the division of state museums and historic sites is transferred from the division of state museums and historic sites to the commission.**

(c) **Rules that concern the division of state museums and historic sites that were adopted by the natural resources commission shall be treated as rules applying to the commission.**



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(d) All powers, duties, assets, and liabilities of the department of natural resources regarding the division of state museums and historic sites and artifacts of the division of state museums and historic sites that are attributable to the division of state museums and historic sites are transferred to the commission.

(e) A reference to the department of natural resources in a statute or rule concerning the division of state museums and historic sites shall be treated as a reference to the commission.

(f) Subject to subsection (b), the budget agency shall transfer to the commission all appropriations contained in the budget appropriation for the department of natural resources:

(1) for the period beginning July 1, 2001, and ending June 30, 2003; and

(2) excluding any appropriations allotted to the department of natural resources in the period beginning July 1, 2001, and ending May 1, 2002;

that were intended for the operation and improvement of the state museums.

(g) Notwithstanding IC 14-19.5-3-4, as added by this act, the initial appointments by the governor to the commission under IC 14-19.5-3-1 shall be staggered as follows:

(1) Three (3) persons appointed by the governor shall be appointed to serve a one (1) year term ending June 30, 2003.

(2) Three (3) persons appointed by the governor shall be appointed to serve a two (2) year term ending June 30, 2004.

(3) Three (3) persons appointed by the governor shall be appointed to serve a three (3) year term ending June 30, 2005.

(h) This SECTION expires July 1, 2007.

SECTION 41. An emergency is declared for this act.

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